

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-160403
	:	C-160410
Plaintiff-Appellee,	:	TRIAL NOS. C-16TRD-949B-C
	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
	:	
GREGORY WHITE,	:	
	:	
Defendant-Appellant.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. See Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Following a bench trial, defendant-appellant Gregory White was found guilty of operating his vehicle without reasonable control and failing to stop after an accident. The trial court imposed a sentence of 180 days, with 180 days suspended, one year of community control, a six-month drivers' license suspension, and a \$50 fine for the failure-to-stop-after-an-accident violation. White appeals that judgment in the appeal numbered C-160410. The trial court assessed court costs for the failure-to-maintain-reasonable-control violation, but it did not impose a sentence. White appeals that judgment in the appeal numbered C-160403. The trial court stayed White's sentence in the appeal numbered C-160410.

White raises two assignments of error in these consolidated appeals. He challenges the weight and sufficiency of the evidence with respect to the failure-to-control violation and the weight of the evidence for the failure-to-stop-after-an-accident violation.

We do not reach the merits of White's assignments of error because we lack jurisdiction to entertain his appeals. Article IV, Section 3(B)(2) of the Ohio Constitution confers upon courts of appeals "such jurisdiction as may be provided by law to review and affirm, modify, or reverse judgments or final orders of the courts of record inferior to the court of appeals within the district * * *." R.C. 2505.03(A) limits the jurisdiction of courts of appeals to the review of "final order[s], judgment[s], or decree[s]."

To qualify as a final appealable order under R.C. 2505.02, the Ohio Supreme Court has held that a judgment of conviction must satisfy the provisions of Crim.R. 32(C) and include the fact of conviction, the sentence, the judge's signature, and the entry upon the journal by the clerk of courts. *State v. Daniels*, 1st Dist. Hamilton No. C-140242, 2014-Ohio-5160, ¶ 6, citing *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142, paragraph one of the syllabus. These requirements, moreover, must be set forth in a single document. *Daniels* at ¶ 7, citing *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163, ¶ 17.

The record certified to this court in the appeal numbered C-160410 shows that the trial court journalized the fact of White's conviction for failing to stop after an accident on March 30, 2016. It then journalized White's sentence by separate document on that same date. White has appealed from the trial court's March 30, 2016 journal entry that does not contain a sentence. Because these two documents were separately journalized by the clerk, we may not read them together to create a

final appealable order. In the absence of a final appealable order, we must dismiss White's appeal in the case numbered C-160410 for lack of subject-matter jurisdiction. *See Daniels* at ¶ 7; *see also State v. McClendon*, 1st Dist. Hamilton No. C-160267, 2017-Ohio-1399.

The record certified to this court in the appeal numbered C-160403 shows that the trial court, on March 30, 2016, journalized a finding of guilt on the failure-to-maintain-reasonable-control charge and assessed court costs, but it did not impose a sentence. Because court costs are not criminal punishment and "do not constitute a 'sanction' that can be imposed as a sentence," there was no sentence imposed on and thus, no conviction for the failure-to-control charge, and therefore, no final appealable order. *State v. Bennett*, 1st Dist. Hamilton Nos. C-140507 and C-140508, 2015-Ohio-3248, ¶ 5; *State v. Wynn*, 1st Dist. Hamilton Nos. C-150051 and C-150052, 2015-Ohio-4646, ¶ 3. We, therefore, lack subject-matter jurisdiction over the appeal numbered C-160403, and hereby dismiss it. The appeals are dismissed.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., ZAYAS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on June 14, 2017

per order of the court _____.
Presiding Judge